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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000118

SIPDIS

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TAGS: PREL UNSC IZ KU

SUBJECT: MFA ACCEPTS TO SEEK UNSC PRESIDENTIAL STATEMENT ON WMD

REF: A. 09 STATE 130342
B. 09 BAGHDAD 3320
C. 09 BAGHDAD 3367

Classified By: Acing DCM Gary A. Grappo, for reasons 1.4 b and d.

¶1. (C) Summary: Senior MFA advisor Mohammed al-Haj Hamoud told DCM January 13 that the GOI would accept the USG-suggested option of seeking a UNSC Presidential Statement as the best way to have WMD-related Chapter VII resolutions eventually lifted. Haj Hamoud agreed that the GOI would send a letter along the lines of the draft proposed in ref A to the President of the Council and the Director General of the IAEA in order to start this process. Regarding the maritime border with Kuwait, Haj Hamoud said the Iraqis "would like to start preparatory discussions with the USG now" on this issue, focusing on the establishment of a joint committee with the U.S., UK, UN, and Kuwait. The GOI wanted to shape these preparatory discussions around a "future legal regime" of the waterway, while accepting the border demarcation established in UNSCR 833. (Hamoud's review of Iraq's relations with its neighbors reported septel.) End Summary.

SEEKING AN END TO IRAQ'S WMD CHAPTER VII TROUBLES

¶2. (C) Senior MFA advisor Mohammed al-Haj Hamoud told DCM January 13 that the GOI would accept the option of seeking a UNSC Presidential Statement and the other sequencing laid out in ref A, as the best way to have WMD-related Chapter VII resolutions eventually lifted. DCM carefully reviewed the sequencing (already presented to the MFA in demarches reported in refs B and C), in order to convince Haj Hamoud and International Organizations Director Mohammed al-Hamameidi that attempting to seek the resolution directly, without reference to any IAEA determination of compliance and full cooperation, could pose insurmountable difficulties.

AGREEING TO SEND THE LETTER

¶3. (C) Haj Hamoud agreed that the GOI would send a letter along the lines of the draft proposed in ref A to the President of the Council and the Director General of the IAEA. He also committed to previewing the letter with the Embassy before sending it, although Hamameidi joked, "it's your letter." There was a bit of discussion about whether PM Maliki or FM Zebari could or would sign the letter. The preference seemed to be for Zebari to sign the letter, with the MFA officials hinting that it would be easier to obtain the signature. (COMMENT: Separately, MFA advisor Fareed Yassen told Dep Pol/C that the PM's office had control of the WMD issue and noted that in a recent inter-ministerial meeting on the issue, no progress was made because the PM's advisor did not attend. END COMMENT.)

TAKING ANOTHER LOOK AT KUWAIT-RELATED ISSUES

¶4. (C) Regarding Kuwait-related Chapter VII issues, Haj

Hamoud reiterated that there had been no progress on the main issues, which was in accordance with what they understood to be the wishes of the PM's office, although some technical-level work was being done. (NOTE: He mentioned a recent meeting in Kuwait on a shared oil field that an Iraqi DG from the Ministry of Oil attended. END NOTE.) Regarding the maritime border, Haj Hamoud said the Iraqis "need to prepare ourselves and we need your help with the Kuwaitis." Returning to this latter point later in the conversation, Haj Hamoud underscored that the Iraqi side "would like to start preparatory discussions with the USG now" on this issue. The GOI wanted to focus discussions on a "future regime of the waterway." Before elaborating on what he meant, Haj Hamoud emphasized that any consideration of such a regime would take place in the context of GOI acceptance of the border demarcation enshrined in UNSCR 833.

A "JOINT" COMMITTEE FOR MARITIME ISSUES WITH KUWAIT

¶15. (C) Haj Hamoud elaborated on the idea of a joint committee, a proposal he first floated in meetings with A/S Feltman December 15 in Baghdad. Members of the committee would include the U.S., the UK, and the UN. It should not be "just bilateral." The committee would exert "a kind of control" for navigation and control over accidents in the Khor Abdullah, said Haj Hamoud. Hamameidi interjected that a P-3 draft resolution proposed last August had proposed such a committee. When asked by the DCM if he was proposing a technical committee, Haj Hamoud answered, "yes, but also political." The focus initially should be on technical aspects, to prove to the Kuwaiti side that "the Iraqis can be

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good boys." He also acknowledged that they needed to take into account extremists on the Iraqi side, both "in the street and in the Council of Representatives." Iraqi participation would include the MFA, the Ministry of Transportation, and the relevant "military people."

CONSIDERING THE LEGAL REGIME FOR KHOR ABDULLAH

¶16. (C) Returning to his reference to the regime for the Khor Abdullah, Haj Hamoud noted that this could include resolving incidents with Iraqi fishing boats (involving Kuwait Coast Guard or Navy) or other potential "clashes," technical exchanges, pollution, legal responsibility for dredging, and so forth. Haj Hamoud mentioned three different types of legal regimes for waterways. He made reference to "a strait connecting territorial sea to internal waters" and noted that the Iraqi side would prefer to discuss access issues in this context -- and adopt a common regime for the Khor -- but without necessarily making explicit mention of UN Convention on Law of the Sea provisions regarding a "strait" or "international waterway." Such a focus would allow the Iraqi side to press for some of the broader access rights they sought, "without calling into question the land or water sovereignty of the mid-line" established in UNSCR 833, explained Haj Hamoud.

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